



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,427	09/08/1999	THEODORE JAMES MYERS	AOO506	8593
757 7590 08/22/2007 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER RINES, ROBERT D	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/391,427

Applicant(s)

MYERS ET AL.

Examiner

Robert D. Rines

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-15, 17-22, 24, 25, 38-43, 59-63 and 66-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15, 17-22, 24, 25, 38-43, 59-63 and 66-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

[1] This communication is in response to the amendment filed 30 April 2007. Claims 12, 20 and 38 have been amended. Claims 69-76 are newly added. Claims 12-15, 17-22, 24-25, 38-43, 59-63, and 66-76 are pending.

NOTE: Although Applicant enters "newly added" claims 69-76, Applicant has added two distinct and newly added claims both labeled "claim 75". As Examiner assumes an oversight or typographical error on the part of Applicant, Examiner has treated the claims as distinct claims below, however, renumbering is required.

Claim Rejections - 35 USC § 112

[2] The rejections of claims 12-15, 17-22, 24-25, 38-43, 59-63, and 66-68 under 35 U.S.C. 112, first paragraph, are hereby withdrawn due to the amendment filed 30 April 2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[3] Claims 12, 13, 18-21, 25, 38-43, 59-63, and 69-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman (United States Patent #5,940,481) in view of Applicant's Background of the Invention and further in view of DeLorme et al. (United States Patent #5,948,040-hereinafter DeLorme).

(A) As to claims 12, 20, and 38, Zeitman discloses a method performed by a customer communication device operated by a customer, in a combination reservation and navigation system (i.e. parking management) (see Fig. 1 and abstract), comprising the steps of accessing reservation information representing a good or a service that may be reserved by customers from one of a plurality of businesses (i.e. user may reserve a parking facility)(col. 5, lines 1-5); making a request for a reservation of the good or the service responsive to the step of accessing the reservation information (col. 5, lines 7-9); receiving confirmation information, representing that the reservation has been made for the good or the service associated with one of the plurality of businesses, responsive to the step of making the request(i.e. receives confirmation

Art Unit: 3626

of authorization to park there)(col. 5, lines 15-18); and receiving electronic navigation information from a reservation communication device over a communication link responsive to the step of receiving the confirmation information, wherein the electronic navigation information assists the customer in traveling from a customer geographic location to a business geographic location of the good or the service reserved by the customer (i.e. map of region in which user is interested in parking)(col. 5, lines 5-7).

In addition, it is noted that Applicant's Background of the Invention discloses the good and the service being tickets for performances, musical concerts, sporting events, or tickets for transportation carriers (page 1 of the specification). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Applicant's Background of the Invention within Zeitman with the motivation of allowing a customer to reserve other types of goods or services.

Applicant has amended claims 12, 20, and 38 regarding the "electronic navigation information" by additionally requiring that "wherein the electronic navigation information comprises directions to assist the customer in traveling from a customer geographic location to a business geographic location of the good or the service reserved by the customer..."

As per this element, Zeitman discloses that upon a user reserving a parking facility via the user interface, the "Central control unit may provide the user with a map of the region in which the user is interests in parking." (Zeitman; col. 5, lines 1-8). Examiner submits that, under the

Art Unit: 3626

broadest reasonable interpretation of the presently amended claim language, Zeitman's provision of a map constitutes "directions to assist the customer in traveling from a customer geographic location to a business geographic location.."

Applicant has additionally amended claims 12, 20, and 38 regarding the "electronic navigation information" by additionally requiring "...wherein the customer geographic location is automatically determined for the customer by a location-determining device."

As per this element, while Zeitman discloses the provision of a map (i.e., directions to assist the user), neither Zeitman nor Applicant's Background of the Invention disclose the customer's geographic location is automatically determined for the customer by a location-determining device."

However, as evidenced by DeLorme, it is well known in travel reservations and planning art to employ navigational technologies such as loran or GPS equipped devices to assist the user by generating signals corresponding to the geographical coordinate location and direction of travel of the user (Delorme et al.; col. 9, lines 35-58). It is also well-known in the art to utilize the positional/location information to assist the user by providing travel directions (DeLorme et al.; col. 11, lines 40-49 and col. 75, lines 6-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Zeitman and Applicant's Background of the Invention with those of DeLorme. The motivation to combine the teachings would have been to utilize well-established navigational technologies as employed by DeLorme, to assist a remote user by incorporating the user's "real time" geographic location, speed, and travel direction such that the user's present position is used as the departure or Start for routing calculations and travel directions (DeLorme et al.; col. 75, lines 6-26).

(B) As to claims 13 and 21, Zeitman discloses a method further comprising the steps of transmitting a payment to one of the reservation communication device and a business communication device for the good or the service associated with the reservation responsive to the step of making the request for the reservation (i.e. billing apparatus)(col. 3, lines 23-32); and receiving receipt information representing that the payment has been received by the one of the reservation communication device and the business communication device responsive to the step of transmitting the payment(col. 3, lines 23-32) .

(C) As to claims 18 and 39, Zeitman discloses a method further comprising the step of communicating the confirmation information to the one of the plurality of businesses located at the business geographic location responsive to the customer arriving at the business geographic location (user may report his arrival to central control unit or parking attendant)(col. 3, lines 58-63).

(D) As to claims 19, 25, and 40-42, Zeitman discloses a method wherein the confirmation information is communicated to a business communication device, associated with the one of the plurality of businesses, at the business geographic location over a radio frequency communication link responsive to the customer communication device being proximate to the business communication device (col. 4, lines 13-23).

(A) As to claim 43, Zeitman does not explicitly disclose a customer communication device according to claim 40 wherein the radio frequency communication interface is adapted to communicate packet signals.

However, DeLorme discloses a customer communication device adapted to communicate packet signals (i.e. mobile users can access the system via wireless communication)(see abstract, col. 14, lines 43-52 and col. 24, lines 29-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a customer communication device adapted to communicate packet signals as disclosed by DeLorme within Zeitman and Applicant's Background of the Invention for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

(B) As to claim 59, Zeitman does not explicitly disclose the method of claim 12 further comprising the step of:

receiving second electronic navigation information wherein the second electronic navigation information assists the customer in traveling from the business geographic location to a second business geographic location of a second good or service reserved by the customer.

However, DeLorme discloses receiving second electronic navigation information wherein the second electronic navigation information assists the customer in traveling from the business geographic location to a second business geographic location of a second good or service reserved by the customer (i.e. waypoints and POIs)(col. 9, lines 12-28 and lines 35-47).It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include receiving second electronic navigation information wherein the second electronic navigation information assists the customer in traveling from the business geographic location to a second business geographic location of a second good or service reserved by the customer as disclosed by DeLorme within Zeitman and Applicant's Background of the Invention for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

(C) As to claim 60, Zeitman does not explicitly disclose the method of claim 12 further comprising

prior to traveling to the business geographic location, accessing second reservation information representing a second good or service that may be reserved by customers from a second business of the plurality of businesses;

making a second request for a second reservation of the second good or service responsive to the step of accessing the second reservation information; and

receiving second confirmation information, representing that the second reservation has been made for the second good or service associated with the second business, responsive to the step of making the second request.

However, DeLorme discloses prior to traveling to the business geographic location, accessing second reservation information representing a second good or service that may be reserved by customers from a second business of the plurality of businesses (col. 9, lines 35-47);

making a second request for a second reservation of the second good or service responsive to the step of accessing the second reservation information (col. 9, lines 12-28 and lines 35-47); and

receiving second confirmation information, representing that the second reservation has been made for the second good or service associated with the second business, responsive to the step of making the second request (col. 15, lines 33-66). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above as disclosed by DeLorme within Zeitman and Applicant's Background of the Invention for the

motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

(D) As to claim 61, Zeitman does not explicitly disclose the method of claim 12 wherein the electronic navigation information comprises at least one of an e-text direction and a highlighted map travel path.

However, DeLorme discloses wherein the electronic navigation information comprises at least one of an e-text direction and a highlighted map travel path (col. 49, lines 60-65).). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above as disclosed by DeLorme within Zeitman and Applicant's Background of the Invention for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

(E) As to claim 62, Zeitman does not explicitly disclose the method of claim 12 further comprising the step of selecting a route type from a plurality of route types associated with the electronic navigation information wherein the plurality of route types includes at least one of the quickest route and the shortest route.

However, DeLorme discloses the step of selecting a route type from a plurality of route types associated with the electronic navigation information wherein the plurality of route types includes at least one of the quickest route and the shortest route (col. 29, lines 19-31).). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above as disclosed by DeLorme within Zeitman and Applicant's

Art Unit: 3626

Background of the Invention for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

(F) As to claim 63, Zeitman does not explicitly disclose the method of claim 12 further comprising the step of determining the customer geographic location by at least one of a global positioning system or 911 cellular service locating.

However, DeLorme discloses comprising the step of determining the customer geographic location by at least one of a global positioning system or 911 cellular service locating (col. 10, lines 34-58). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above as disclosed by DeLorme within Zeitman and Applicant's Background of the Invention for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

(G) As per (newly added) claim 69, Delorme teaches a method wherein the good or the service comprises a transportation event (DeLorme et al.; col. 52, lines 23-42).

(H) As per (newly added) claim 70, Delorme teaches a method wherein the transportation event comprises at least one of an airplane, a boat, and a bus (DeLorme et al.; col. 52, lines 23-42).

(I) As per (newly added) claim 71, Delorme teaches a method wherein the good or the service comprises an entertainment event (DeLorme et al.; col. 52, lines 23-42).

(J) As per (newly added) claim 72, Delorme teaches a method wherein the entertainment event comprises at least one of a musical concert, a sporting event, and a live theater (DeLorme et al.; col. 52, lines 23-42).

(K) As per (newly added) claim 73, Delorme teaches a method wherein the good or the service comprises an accommodation event (DeLorme et al.; col. 52, lines 23-42).

(L) As per (newly added) claim 74, Delorme teaches a method wherein the accommodation event comprises at least one of a restaurant and a hotel (DeLorme et al.; col. 52, lines 23-42).

(M) As per (newly added) claim 75, Delorme teaches a method wherein the reservation communication device comprises at least one of a telephone, a radio, a pager, and a personal digital assistant (DeLorme et al.; col. 10, lines 34-58).

(N) As per (newly added) claim 75, Delorme teaches a method wherein the reservation communication device comprises cable television (DeLorme et al.; col. 15, lines 1-13).

(O) As per (newly added) claim 76, Delorme teaches a method wherein the reservation communication device comprises a computer (DeLorme et al.; col. 10, lines 34-58).

(i) Regarding (newly added) claims 69-76, the obviousness and motivation to combine as discussed with regard to claim 1 above are applicable to claims 69-76 and are herein incorporated by reference.

[4] Claim 14, 17, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman (5,940,481) and Applicant's Background of the Invention and Delorme (5,948,040) as applied to claim 12 above, and further in view of Yoshida (5,877,704).

(A) As to claim 14, Zeitman and Applicant's Background of the Invention do not explicitly disclose a method according to claim 12 further comprising the step of

transmitting a request for the electronic navigation information responsive to the step of receiving the confirmation information.

However, Yoshida discloses receiving electronic navigation information upon receiving confirmation information (col. 4, lines 1-7 and lines 44-58). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include transmitting a request for the electronic navigation information responsive to the step of receiving the confirmation information as disclosed by Yoshida within Zeitman for the motivation of placing a reservation

for a parking space from a remote site and provide roadway information as well (col. 1, lines 32-40 and col. 4, lines 1-7).

(B) As to claims 17 and 24, Zeitman discloses a method according to claims 12 and 20: wherein the steps of accessing the reservation information, making the request and receiving the confirmation information are performed by a fixed customer communication device (i.e. computer)(col. 3, lines 19-22), and

Zeitman and Applicant's Background of the Invention do not explicitly disclose wherein the step of receiving the electronic navigation information is performed by a mobile customer communication device.

However, Yoshida discloses receiving electronic navigation information upon receiving confirmation information i.e. vehicle mounted device)(col. 3, lines 62-67 and col. 4, lines 1-7 and lines 44-58). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the step of receiving the electronic navigation information is performed by a mobile customer communication device as disclosed by Yoshida within Zeitman for the motivation of placing a reservation for a parking space from a remote site and provide roadway information as well (col. 1, lines 32-40 and col. 4, lines 1-7).

[5] Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman (5,940,481) and Applicant's Background of the Invention and Delorme (5,948,040) as applied to claims 12 and 20 above, and further in view of Sehr, Pat. No. 6,085,976.

(A) As to claim 15 and 22, Zeitman and Applicant's Background of the Invention do not explicitly disclose a method according to claims 12 and 20 wherein the customer information includes a customer profile representing preferences of the customer for the good or the service desired by the customer.

However, Sehr discloses the customer information includes a customer profile representing preferences of the customer for the good or the service desired by the customer (i.e. passenger's purchase habits)(col. 6, lines 10-15). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the customer information includes a customer profile representing preferences of the customer for the good or the service desired by the customer as disclosed by Sehr within Zeitman and Applicant's Background of the Invention for the motivation of providing better quality of service (col. 2, lines 7-14).

[6] Claims 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman (5,940,481), Applicant's Background of the Invention, and Delorme (5,948,040) as applied to claim 12, and further in view of Applicant's admission of prior art.

(A) As per claims 66-68, Applicant has failed to traverse the examiner's rejection of claims 66-68 based on Official Notice. Thus, it is respectfully submitted that Applicant has admitted that the features of claims 66-68 are well known in the prior art.

Response to Remarks/Amendment

Applicant's remarks filed 30 April 2007 have been fully considered but they are not persuasive. The remarks will be addressed below in the order in which they appear in the response filed 30 April 2007.

Applicant remarks:

"Contrary to the Office Action's assertion, Applicant's do not admit that the features of claims 66-68 are known.....Applicant's request that a reference or references be set forth by the Office Action to support the Office Action's contention that these features are know(n)."

In response, Applicant has attempted to challenge the Examiner's taking of Official Notice in the Office Action mailed 10 August 2004. There are minimum requirements for a challenge to Official Notice:

(a) In general, a challenge, to be proper, must contain adequate information or arguments so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice

(b) Applicants must seasonably traverse (challenge) the taking of Official Notice as soon as practicable, meaning the next response following an Office Action. If an applicant fails to seasonably traverse the Official Notice during examination, his right to challenge the Official Notice is waived.

In a previous Office Action mailed 10 August 2004, notice was taken by the Examiner that certain subject matter is old and well known in the art. Per MPEP 2144.03(c), these statements are taken as admitted prior art because no traversal of this statement was made in the subsequent responses.

Further, Applicant has not provided adequate information or arguments so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice. Therefore, the presentation of a reference to substantiate the Official Notice is not deemed necessary. The Examiner's taking of Official Notice has been maintained.

Art Unit: 3626

Applicant's remaining remarks filed 30 April 2007 have been fully considered by the Examiner and are deemed to have been addressed in the preceding sections of the present Office Action or are considered moot in view of newly added grounds of rejection.

In conclusion, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 20 April 2007 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Zeitman, DeLorme et al., Sehr, Yoshida, and Applicant's admitted prior art, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action (mailed 17 November 2007), and incorporated herein.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3626

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D. Rines whose telephone number is 571-272-5585. The examiner can normally be reached on 8:30am - 5:00pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDR

Handwritten signature of Robert D. Rines, dated 8/14/07.

C. LUKE GILLIGAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600